



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NORTHEAST REGIONAL OFFICE

205B Lowell Street, Wilmington, MA 01887 • (978) 694-3200

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

IAN A. BOWLES
Secretary

ARLEEN O'DONNELL
Commissioner

This is an electronic facsimile of a document on file with the Massachusetts Department of Environmental Protection.

January 7, 2009

Steve Morrow
Olin Corporation
P.O. Box 248
Lower River Road
Charleston, TN 37310

RE: WILMINGTON – Solid Waste/COR
Olin Gypsum Landfill
51 Eames Street
Completion of Closure
FMF # 131605

Dear Mr. Morrow:

The Department of Environmental Protection, Northeast Regional office, Bureau of Waste Prevention, Solid Waste Management Section (MassDEP) has completed review of the documents for certification of the closure pursuant to the MassDEP Solid Waste Management Regulations, 310 CMR 19.000, of the Olin Gypsum Landfill, 51 Eames Street, Wilmington, Massachusetts (the “landfill”). The certification documents were prepared on your behalf by MACTEC Engineering and Consulting, Inc., Portland Maine, and include a plan of one (1) sheet, prepared by Dana F. Perkins, Inc., Tewksbury, Massachusetts, titled:

Existing Conditions
Plan of Land
Existing Landfill
Wilmington, Massachusetts
November 10, 2006

The certification documents demonstrate that a permanent landfill cap pursuant to the requirements established at 310 CMR 19.00, effective July 1, 1971, has been installed on the

This is an electronic facsimile of a document on file with the Massachusetts Department of Environmental Protection.

landfill. The permanent cap consists of a seven (7) inch thick layer of topsoil overlaying a six (6) inch thick layer of low permeable soil.

The landfill closed to the receipt of waste circa 1986. The plans for closure of the landfill were approved by MassDEP December 1, 1986 with amendments approved June 6, 1988. Principal construction of the landfill closure occurred between February 1987 and September 1988. Improvements to the cap were constructed circa 2006. As the closure was approved and principally constructed prior to July 1, 1990, MassDEP evaluated the completion of the closure based on the standards of design and construction as established pursuant to the regulations as effective from July 1, 1971 through June 30, 1990 ("310 CMR 19.00").

Olin Corporation is conducting environmental monitoring of the site as part of the environmental assessment and monitoring of the Olin property required pursuant to M.G.L. 21E and the regulations promulgated there under, and/or 42 USC 9601-9675 (CERCLA).

Pursuant to 310 CMR 19.045, and the requirements of M.G.L. Chapter 111, § 150A, the Department hereby determines that the landfill has been capped in conformance with the landfill design plans as approved pursuant to 310 CMR 19.00 on December 1, 1986 and amended June 6, 1988, and the landfill is now, for purposes of applicability of the Solid Waste Management Regulations and M.G.L. Chapter 111, § 150A, deemed closed. This determination is subject to the following conditions:

1. This determination does not constitute an approval, authorization, determination or other action pursuant to the remediation of contaminants on the Olin Chemical site, Wilmington, Massachusetts, now pending or future, pursuant to M.G.L. 21E and the regulations promulgated there under, and/or 42 USC 9601-9675 (CERCLA) and the regulations promulgated there under. Olin Corporation, its successors, heirs and/or assigns, shall take such actions as may be determined necessary, or otherwise appropriate, by MassDEP pursuant to M.G.L. Chapter 21E and/or the United States Environmental Protection Agency (EPA) pursuant to CERCLA, or other law as applicable.
2. Should MassDEP determine pursuant to post closure monitoring of the site that conditions are occurring requiring further action to maintain compliance with M.G.L. Chapter 111, § 150A, and the regulations promulgated there under, or to otherwise protect the public health, safety and the environment, MassDEP reserves its rights to amend, modify, suspend or revoke this determination, or otherwise require assessment and/or remedial actions.
3. Olin Corporation shall record with the Registry of Deeds, or if the land is Registered Land, with the Registry Section of the Land Court for the District in which it lies, as applicable, a Record Notice of Landfill Operation conforming to the requirements as established at 310 CMR 19.141.
4. Olin Corporation shall conduct monitoring of the site as provided at facility monitoring plan, prepared by MACTEC Engineering and Consulting, Inc., Portland, Maine, titled:

This is an electronic facsimile of a document on file with the Massachusetts Department of Environmental Protection.

Calcium Sulfate Landfill Post Closure Monitoring Plan
51 Eames Street
Wilmington, Massachusetts
December 2006

Provided, Olin Corporation may amend the monitoring plan as necessary to conform to requirements as stipulated by MassDEP pursuant to the MCP and/or the EPA pursuant to CERCLA. Wherein such modifications to the monitoring plan are necessary, Olin Corporation shall notify the MassDEP, Bureau of Waste Prevention, Solid Waste Management Section pursuant to the procedures established at 310 CMR 19.039(6).

NOTICE OF RIGHT TO APPEAL

Olin Corporation (Olin) is hereby notified that it may within twenty-one (21) days file a request that this decision be deemed a provisional decision under 310 CMR 19.037(4)(b), by submitting a written statement of the basis on which Olin believes it is aggrieved, together with any supporting materials. Upon timely filing of such a request, the decision shall be deemed a provisional decision with an effective date twenty-one (21) days after the Department's receipt of the request. Such a request shall reopen the administrative record, and the Department may rescind, supplement, modify, or reaffirm its decision. Failure by Olin to exercise the right provided in this section shall constitute a waiver of Olin's right to appeal.

Appeal. Any person aggrieved by the issuance of this decision, except as provided for under 310 CMR 19.037(4)(b), may file an appeal for judicial review of said decision in accordance with the provisions of M.G.L. c. 111, s. 150A, and M.G.L. c. 30A, not later than thirty (30) days following the receipt of the final decision. The standing of a person to file an appeal and the procedures for filing such appeal shall be governed by the provisions of M.G.L. c. 30A. Unless the person requesting an appeal requests and is granted a stay of the terms and conditions of the decision by a court of competent jurisdiction, the decision shall remain effective.

Notice of Action. Any aggrieved person intending to appeal this decision to the Superior Court shall first provide notice to the Department of their intention to commence such action. Said notice of intention shall include the Department file number and shall identify with particularity the issues and reasons why it is believed the decision was not proper. Such notice shall be provided to the Office of General Counsel of the Department and the Regional Director for the regional office which processed the application. The appropriate addresses to which to send such notices are:

This is an electronic facsimile of a document on file with the Massachusetts Department of Environmental Protection.

General Counsel
Department of Environmental Protection
One Winter Street - 3rd Floor
Boston, MA 02108

Regional Director
Department of Environmental Protection
205a Lowell Street
Wilmington, MA 01887

No allegation shall be made in any judicial appeal of this decision unless the matter complained of was raised at the appropriate point in the administrative review procedures established in those regulations, provided that a matter may be raised upon a showing that it is material and that it was not reasonably possible with due diligence to have been raised during such procedures or that matter sought to be raised is of critical importance to the environmental impact of the permitted activity.

If you have any questions regarding this matter, please contact David Adams at 978-694-3295.

Sincerely,

Sincerely,

*This final document copy is being provided to you electronically by the
Department of Environmental Protection. A signed copy of this document
is on file at the DEP office listed on the letterhead.*

DCA
David C. Adams
Environmental Engineer
Solid Waste Management

JAC
John A. Carrigan
Section Chief
Solid Waste Management

JD/DCA/dca

Enclosure: Fact Sheet

This is an electronic facsimile of a document on file with the Massachusetts Department of Environmental Protection.

cc:

Wilmington Board of Health
12 Glen Road
Wilmington, MA 01887

Peter Thompson
MACTEC Engineering and Consulting, Inc.
511 Congress Street
Portland, ME 04101

James DiLorenzo
USEPA
One Congress Street, Suite 1100 (HIO)
Boston, MA 02114-2023
dilorenzo.jim@epa.gov

Joseph Coyne
MassDEP/BWSC/Boston

Chris Pyott
MassDEP/BWSC/NERO